THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 12103 of 2006

Dated: 19.06.2006

Between:

The A.P.S.R.T.C., rep. by its Depot Manager, Salur, VizianagaramDistrict.

..... PETITIONER

AND

S. Suryanarayana, S/o Chinnaiah, D.No.41-20, Veda Samajam Veedhi, Salur, Vizianagaram District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.12103 of 2006

Order:

Assailing the award dated 11.03.2004 passed by the Labour Court, Visakhapatnam, in I.D. No. 55 of 2002, directing the petitioner-Corporation to reinstate respondent No.1 into service with continuity of service but without any back wages, the petitioner-Corporation filed the present writ petition.

Learned Standing Counsel for the petitioner-Corporation contends that respondent No.1 was responsible for the alleged accident, and that the Labour Court, having observed that respondent No.1 did not take proper precautions while driving the bus, ought not to have ordered reinstatement of respondent No.1 into service. He further contends that the Labour Court, without appreciating the evidence on record, erroneously passed the impugned award directing the petitioner-Corporation to reinstate respondent No.1 into service with continuity of service, but without back wages. He, thus, prayed that the impugned award be set aside and the writ petition be allowed.

On the other hand, learned counsel for respondent No.1 submits that the Labour Court, on re-appreciation of the entire evidence on record, rightly passed the award directing the petitioner-Corporation to reinstate respondent No.1 into service. , Hence, there is no reason to interfere with the award passed by the Labour Court.

Heard the learned Standing Counsel for the petitioner-Corporation, learned counsel for respondent No.1 and perused the award of the Labour Court.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of certiorari are

limited to – firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

A perusal of the award of the Labour Court, would clearly indicate that the witnesses who were examined by the Enquiry Officer did not categorically state that respondent No.1 alone was responsible for the accident. In a way, their statements go to show that the jeep driver is responsible for the accident. The Labour Court, upon re-appreciation of evidence, found that the petitioner was not solely responsible for the accident, and that it was the jeep driver, who was responsible. Thus the Labour Court came to the conclusion that the petitioner-Corporation failed to establish any case against respondent No.1 and held that the findings of the disciplinary authority against respondent No.1 are not based on any material evidence, and accordingly, passed the award setting aside the order of removal from service passed against respondent No.1, and directed the petitioner-Corporation to reinstate respondent No.1 into service with continuity of service but without any back wages, and no exception can be taken thereto.

The award of the Labour Court, judged from the parameters of certiorari jurisdiction of this Court under Article 226 of the Constitution of India, does not call for interference, for the petitioner-Corporation failed to point out any infirmities.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 19.06.2006
Nsr/Ksr